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No.
(No. 3:13-mc-0179)
Judge Sharp

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Counsel chose not to file a separate motion for the suspension of plaintiff's sentence. The plaintiff believes that the defendants

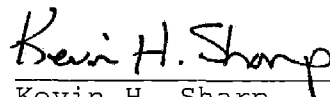
have denied him due process by joining the Clerk's Office in refusing to file his *pro se* motion.

In essence, the plaintiff is alleging that the defendants have denied him access to the courts. A prisoner has a First Amendment right of access to the courts. Bounds v. Smith, 430 U.S. 817, 821-823 (1977). To show a violation of this right, though, the plaintiff must allege and prove that the defendants' conduct in some way prejudiced the filing or prosecution of a legal matter. Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir.1996).

In this case, the plaintiff's *pro se* motion sought a hearing to determine whether the remainder of his sentence should be suspended. The plaintiff acknowledges that he received a hearing to discuss that very issue. See Docket Entry No.6. He has not, therefore, shown that he was denied access to the courts. Consequently, the plaintiff has failed to state a claim upon which relief can be granted.

Having failed to state a claim upon which relief can be granted, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Kevin H. Sharp
United States District Judge